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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/554,065	04/01/2002	Takao Miyoshi	05905.0108	8394

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EXAMINER

LUU, SY D

ART UNIT PAPER NUMBER

2174

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/554,065

Applicant(s)

MIYOSHI ET AL.

Examiner

Sy D. Luu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-37 is/are pending in the application.
- 4a) Of the above claim(s) 36 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/5/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's election without traverse of claims 27-35 in the communication filed November 7, 2005 is acknowledged.

Specification

2. The disclosure is objected to because of the following informalities:

a) page 1: the phrases "terminate device" and "terminate devices" in paragraph 3 are not meaningful in the context of invention;

b) page 29: "display panel 305" on line 3 of paragraph 5 should be changed to -- display panel 308--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Kunihiro et al. ("Kunihiro", US 6,021,336 B1).

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As per claim 27, Kunihiro teaches a character communication device connected to a network and enabling communication at least by characters, comprising:

transmitting and receiving means for implementing a communication of messages with a communication device of a counter party of the communication via said network;

communication content displaying means for displaying in a communication content displaying area of a screen display a content of the communication with said communication device of said counterparty;

candidate term displaying means for displaying in a candidate term displaying area of said screen display a group of candidate terms prepared in advance for the communication of said messages;

term selecting means for outputting a term selected by a communicator out of said group of candidate terms; and

message forming means for serially displaying a plurality of output terms in a message editing area of said screen display, thereby forming a message and sending the formed message to said transmitting and receiving means (figs. 4 and 5A-C; col. 3, lines 10 et seq.).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 28, 30-31, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunihiro et al. ("Kunihiro", US 6,021,336 B1).

As per claims 28 and 34, while Kunihiro teaches the communication device of said counterparty is either a host computer executing a program of a communication-type environment which develops in response to an access by a plurality of computers each having a character communication device, or a communication device operated by a plurality of participants taking part in said communication-type environment (*electronic mail networks*), Kunihiro does not indicate the communication type environment to be a game and the communication device to be a game device. However, character communication using a game device in a game environment is well known in the art. It would have been obvious to an artisan at the time of the invention to implement Kunihiro's teaching in a communication-type game device in order to provide the capability of transmitting text data speedily and easily (Kunihiro; col. 1, lines 22-25).

As per claim 30, Kunihiro teaches said candidate terms are classified according to at least one of a set of names of said participants in the game, and a plurality of nouns, pronouns, verbs, adjectives, inflections, symbols, or user-registered short sentences (figs. 5A-C).

As per claim 31, Kunihiro does not explicitly disclose said candidate terms to be arranged in a table in a plurality of pages, and one of said plurality of pages is displayed in said candidate term displaying area. However, such arrangement is well known in the art. It would have been obvious to an artisan at the time of the invention to organize terms in table/page format in accordance to data structure design and implementation preference.

As per claim 35, Kunihiro does not disclose a selection operation by an operator to be performed via a game controller serving as an inputting device of the game device. However, since Kunihiro's communication device could be implemented as a game device (see previous paragraphs), a game controller serving as an inputting device would have been inherent to Kunihiro's device in order to allow expected user's input for the game.

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunihiro et al. ("Kunihiro", US 6,021,336 B1) in view of Kizawa (JP-485650 English Translation).

As per claim 29, Kunihiro does not teach said candidate term displaying means to receive said group of candidate terms from said communication device of said counterparty. Kizawa discloses an invention for receiving requested information items from other communication devices (Kizawa; pages 8-9 and 30). It would have been obvious to an artisan at the time of the invention to combine Kizawa's teaching with Kunihiro's in order to minimize storage requirement.

8. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunihiro et al. ("Kunihiro", US 6,021,336 B1) in view of Okayama et al. ("Okayama", JP-1137362 English Translation).

Claim 32 is similar in scope to claim 31, and would be therefore rejected under similar rationale. Kunihiro does not disclose the use of a mark corresponding to a selected message. However, the use of a code/mark associated with a piece of information is known in the art. For instance Okayama teaches a database (*dictionary file*) having contents with corresponding input item marks, wherein based on the input item marks, corresponding information are retrieved and displayed (pages 3-4). It would have been obvious to an artisan at the time of the invention to combine Okayama's teaching with Kunihiro's in order to provide a short-cut and quick means for entering lengthy information.

As per claim 33, Kunihiro does not teach said messages to be displayed on said screen in a form of a card. However, the display format of messages is a detail implementation which would have been an obvious display design and implementation preference to an artisan at the time of the invention.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

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The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SY D. LUU
PRIMARY EXAMINER
ART UNIT 2174